

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Nancy E. Hartley,

Bankruptcy Case No. 09-56467-MBM
Hon. Marci B. McIvor
Chapter 7

Debtor.

_____ /

**TRUSTEE'S EX PARTE APPLICATION TO EMPLOY
COUNSEL, SEYBURN, KAHN, GINN, BESS & SERLIN, P.C.**

NOW COMES the Chapter 7 Trustee, Fred J. Dery ("Trustee" or "Applicant"), and for his Ex Parte Application To Employ Counsel, Seyburn, Kahn, Ginn, Bess & Serlin, P.C., hereby states as follows:

1. Fred J. Dery is the duly qualified, appointed and acting trustee in this case.
2. Applicant requires the advice and assistance of counsel for the following purposes:
 - a. take legal action necessary to recover any preferential or fraudulent transfers, real or personal property, or any other assets which are property of the estate pursuant to the Bankruptcy Code;
 - b. prepare all applications, motions, orders, reports and appear at hearings as Trustee deems necessary to effectuate the sale of assets or collection of assets;
 - c. prepare and review pleadings, motions, orders, reports and correspondence related to the administration of the estate;
 - d. appear at, and be involved in, proceedings before this Court;
 - e. examine and investigate claims asserted against the estate;
 - f. such other legal services as Trustee may request and that may be necessary in the case under the circumstances.

3. As such, Applicant requests authority to employ Terrance A. Hiller, Jr. and the firm of Seyburn, Kahn, Ginn, Bess & Serlin, P.C., to represent him in this case.

4. Terrance A. Hiller, Jr. and the firm of Seyburn, Kahn, Ginn, Bess & Serlin, P.C. have agreed to represent the Trustee and be compensated on an hourly basis in the amounts set forth in the Affidavit of Disinterestedness filed separately in this case, to be paid by the estate from any recovery of assets in this matter after approved by the Court under Sections 330 or 331 of the Bankruptcy Code.

5. Upon reasonable information and belief, neither Terrance A. Hiller, Jr., nor any member of the firm Seyburn, Kahn, Ginn, Bess & Serlin, P.C., hold an interest adverse to the estate and all are a disinterest person as defined by 11 U.S.C. § 101(14).

6. Upon reasonable information and belief, neither Terrance A. Hiller, Jr. nor any member of the firm Seyburn, Kahn, Ginn, Bess & Serlin, P.C., has or ever had any connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any other person employed in the office of the United States Trustee, except as may otherwise be disclosed in the Declaration of Disinterestedness filed contemporaneously in connection herewith.

7. Terrance A. Hiller, Jr. is certified as a Consumer Bankruptcy Law Specialist by the American Board of Certification, and has extensive experience in representing Chapter 7 Bankruptcy Trustees in both the Eastern and Western Districts of Michigan.

8. Terrance A. Hiller, Jr. shall be compensated for fees on an hourly basis at \$275 per hour, plus reasonable and necessary costs incurred. Any other attorney at Seyburn, Kahn, Ginn, Bess & Serlin, P.C. shall bill at his/her ordinary hourly rate, not to exceed \$275 per hour. The Office of the U.S. Trustee shall reserve the right to examine and object to the reasonableness of any other attorney's hourly rate if warranted.

9. It would be in the best interest of creditors to permit Terrance A. Hiller, Jr., an attorney duly licensed to practice in this Court and other courts in the State of Michigan, and the

firm Seyburn, Kahn, Ginn, Bess & Serlin, P.C. to act as counsel for the Trustee in these proceedings.

WHEREFORE, Trustee respectfully requests that an Order be entered authorizing and allowing this Trustee to employ Terrance A. Hiller, Jr. and the firm Seyburn, Kahn, Ginn, Bess & Serlin, P.C., as counsel for the Trustee in this case.

By: /s/Fred J. Dery
Fred J. Dery, Chapter 7 Trustee

Dated: February 22, 2010

Electronically submitted by counsel:

/s/Terrance A. Hiller, Jr.
Terrance A. Hiller, Jr. (P55699)
Seyburn, Kahn, Ginn, Bess & Serlin, P.C.
2000 Town Center, Suite 1500
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**ORDER AUTHORIZING TRUSTEE TO EMPLOY COUNSEL,
SEYBURN, KAHN, GINN, BESS & SERLIN, P.C.**

This matter having come before this Court upon the Trustee's Ex-Parte Application to Employ Counsel, Seyburn, Kahn, Ginn, Bess & Serlin, P.C., pursuant to 11 U.S.C. § 327 and F.R. Bankr. P. 2014, the Court having read same, and otherwise being fully advised in the premises;

NOW, THEREFORE, upon the Application of Fred J. Dery, Trustee,

IT IS HEREBY ORDERED that Terrance A. Hiller, Jr. and the firm Seyburn, Kahn, Ginn, Bess & Serlin, P.C., are authorized and empowered to act as counsel for the Trustee in the administration of the bankruptcy estate in the above-entitled case; and

IT IS FURTHER ORDERED that any and all compensation for fees and expenses incurred by counsel for Trustee are subject to the approval of the Court pursuant to 11 U.S.C. §§ 330 and 331, and F.R. Bankr. P. 2016.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN RE:

Nancy E. Hartley,

Debtor.

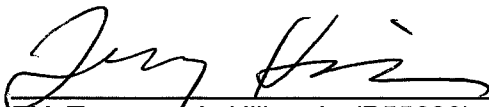
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DECLARATION OF DISINTERESTEDNESS

I, Terrance A. Hiller, Jr., hereby state that I am an attorney at law with the firm of Seyburn, Kahn, Ginn, Bess & Serlin, P.C. (the "Firm"), that I am authorized to make this Declaration, that based upon my personal knowledge and upon information furnished to me in the above-referenced case and in my conflict check with the Firm, neither myself nor any member of the Firm has been employed by or had any connection with the Debtor, Debtor's creditors, or any other party in interest, their respective attorneys or accountants, or the office of the U.S. Trustee;

The Firm and I are disinterested persons as defined by 11 U.S.C. § 101(14) and that I know no reason why we should not act as counsel for the Trustee. However, the Firm is a full service law firm primarily advocating the business interests of its clients, and therefore may have represented clients that may have had connections with creditors of the estate in various litigation unrelated to the Debtor's bankruptcy case. In the event it is later discovered that the Firm has any direct connections with any parties in interest, I shall supplement this Declaration to disclose such further information.

Fred J. Dery, in his capacity as Trustee of this Bankruptcy Estate, has requested that I, Terrance A. Hiller, Jr., and the firm Seyburn, Kahn, Ginn, Bess & Serlin, P.C., act as his Attorney in this matter. Terrance A. Hiller, Jr. shall be compensated for fees on an hourly basis at \$275 per hour, plus reasonable and necessary costs incurred. Any other attorney at Seyburn, Kahn, Ginn, Bess & Serlin, P.C. shall bill at his/her ordinary hourly rate, not to exceed \$275 per hour. The Office of the U.S. Trustee shall reserve the right to examine and object to the reasonableness of any other attorney's hourly rate if warranted. Paralegals shall be billed at \$90 per hour. Any direct out-of-pocket costs will be charged to the Estate. Copies will be charged at \$0.25 per page, facsimile transmission from the firm at \$1.00 per page, no charge for receipt of facsimile transmissions. The firm will not be paid any fees or costs without prior Court approval, as required by 11 U.S.C. §§ 330 and 331.



BY: Terrance A. Hiller, Jr. (P55699)
SEYBURN, KAHN, GINN,
BESS & SERLIN, P.C.
For the Firm
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Southfield, MI 48075
(248) 353-7620

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**STATEMENT OF CONSENT TO ENTRY OF ORDER
FOR EMPLOYMENT OF PROFESSIONAL**

Tina L. Johnson states that she has sought and obtained approval from a staff attorney at the Office of the United States Trustee to the entry of an order authorizing the employment of Terrance A. Hiller, Jr. and Seyburn, Kahn, Ginn, Bess & Serlin, P.C. as counsel for the Trustee.

SEYBURN, KAHN, GINN, BESS &
SERLIN, P.C.

/s/ Tina L. Johnson
Tina L. Johnson
2000 Town Center, Suite 1500
Southfield, MI 48075
(248) 353-7620
tjohnson@seyburn.com

Date: February 22, 2010

Approved by:

/s/Kelley Callard w/consent
Office of the United States Trustee